THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.4046 of 2007

Dated 09-03-2007

Between:
Mirza Dilawar Baig

…Petitioner

And

The Government of A.P. and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.4046 of 2007

ORDER:

Petitioner states that, plot Nos.1 to 5 in Block No.H, in Sy.Nos.273, 274, 275 and 281 of Budvel Revenue Village, Rajendranagar Mandal, admeasuring an extent of 1940 sq. yards; was purchased by one Mr.Shafeiq Ajmal, from M/s Happy Homes Agro Farms, through a sale deed dated 31-10-1996. The registration of the sale deed was kept pending as P-43/97, on the ground that the stamp duty and registration charges paid thereon, are insufficient. Petitioner states that he purchased the said property, through G.P.A., dated 02-02-2004, followed by an agreement of sale dated 01-04-2004. It is his case, that he was specifically authorized by his vendor, to pursue the matter, relating to the sale deed dated 31-10-1996, and to collect the same.

Petitioner made a representation to the 2nd respondent, on 16-07-2004, with a request to release the pending document No.P-43/97. His grievance is that even while the representation was pending, the 2nd respondent released the document in favour of a third party, and the said third party in turn, had sold away the property in favour of some others. The petitioner seeks a *Writ of Mandamus*, to declare the action of the respondents in releasing the said document in favour of

the third party, as illegal and arbitrary, and seeks a direction to the respondents for initiation of appropriate action against the concerned persons.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue, who has placed the concerned record before this Court.

For one reason or the other, the sale deed, dated 31-10-1996, was not collected from the 2nd respondent. It is evident that a reference under

Section 47-A of the Indian Stamp Act (for short '*the Act*') was pending with the District Registrar, Ranga Reddy District. The vendor of the petitioner, nor his vendor, pursued the matter. Even the petitioner does not appear to aware of the pendency of any reference under Section 47-A of the Act. Taking advantage of this, a person, claiming himself to be Shafeiq Ajmal, had, not only pursued the proceedings, under Section 47-A, in relation to the document No.P-43/97, but has also paid the deficit stamp duty and registration charges. Having done so, he approached the 2nd respondent, with the receipts of demand of deficit stamp duty and registration charges, and collected the document.

There was some difficulty for the 2nd respondent in ascertaining the identity of the person, who collected the document. The reason is that the sale deed did not contain the photographs of the vendors, because the practice was not in vogue in the year 1997. Nine years have elapsed from the date of presentation of the document, to the date of payment of the deficit stamp duty and registration charges. The petitioner ought to have pursued the matter with required rigor. Mere filing of a representation, without fully being aware of the situation; was not sufficient, in the complicated nature of the things.

Be that as it may, the 2nd respondent shall take necessary steps, which are permissible under the provisions of the Registration Act, since the sale deed dated 31-10-1996, was said to have been issued to a wrong person, and further sale deeds were also executed by the said person. The 2nd respondent shall inform the nature of steps, taken in this regard, to the petitioner, within four weeks from today. This action shall be without prejudice to the right of the petitioner, to initiate necessary proceedings before the appropriate forum.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.09-03-2007

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